

Shared Use in the 3100-3550 MHz Band adopted by the Commission on March 17, 2021 (FCC 21-32; WT Docket No. 19-348) that permit full-power commercial licensed use of that band; and

(2) not earlier than November 30, 2024, and not later than 10 years after the date of enactment of this Act, complete a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (1) of this subsection.

(b) **TIMING OF AUCTION.**—Notwithstanding section 309(j)(7) of the Communications Act of 1934 (47 U.S.C. 309(j)(7)), the Commission shall conduct the system of competitive bidding required under subsection (a)(2) of this section at a time during the period described in that subsection that will maximize the proceeds generated by the system of competitive bidding.

(c) **CLEARING OF SPECTRUM.**—Not later than 1 year after the date on which the system of competitive bidding required under subsection (a)(2) is completed, the President shall withdraw or modify any assignment to a Federal Government station of the frequencies identified under subsection (a)(1) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with subsection (a)(1).

(d) **FCC AUCTION AUTHORITY.**—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after “2025” the following: “, and with respect to the electromagnetic spectrum identified under section 90008(a)(1) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 10 years after the date of enactment of that Act”.

SA 2216. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 60102 and insert the following:

SEC. 60102. RURAL CONNECTIVITY ADVANCEMENT PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “Rural Connectivity Advancement Program Act of 2021”.

(b) **DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.**—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “and (G)” and inserting “(G), and (H)”;

(2) by adding at the end the following:

“(H) **CERTAIN PROCEEDS DESIGNATED FOR RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.**—

“(i) **ASSESSMENT AND DEPLOYMENT SET-ASIDE.**—Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (D), (E), (F), and (G), 10 percent of the net proceeds from each use of a system of competitive bidding under this subsection that is mandated by an Act of Congress and that begins on or after the date of enactment of the Rural Connectivity Advancement Program Act of 2021 shall be deposited in the Rural Broadband Assessment and Deployment Fund established under subsection (c) of that Act.

“(ii) **DEFINITION.**—For purposes of this subparagraph, the term “net proceeds”, with respect to the use of a system of competitive bidding, means the proceeds remaining after subtracting all auction-related expenditures, including—

“(I) relocation payments, including accelerated relocation payments;

“(II) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

“(III) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

“(IV) relocation or sharing costs, including for planning for relocation or sharing; and

“(V) bidding credits.”.

(c) **DIRECTION AND USE OF RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Commission” means the Federal Communications Commission;

(B) the term “high-cost programs” means—

(i) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(ii) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(iii) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(iv) the Mobility Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(v) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(vi) the Uniendo a Puerto Rico Fund and the Connect USVI Fund set forth under subpart O of part 54 of title 47, Code of Federal Regulations, or any successor regulations; and

(vii) the Rural Broadband Experiments, as established by the Commission under part 54 of title 47, Code of Federal Regulations;

(C) the term “net proceeds” has the meaning given the term in subparagraph (H) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b); and

(D) the term “Rural Broadband Assessment and Deployment Fund” means the fund established under paragraph (2).

(2) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund to be known as the “Rural Broadband Assessment and Deployment Fund”.

(3) **BORROWING AUTHORITY.**—

(A) **IN GENERAL.**—With respect to any auction described in subparagraph (H)(i) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b), on or after the date on which the Commission makes a final determination of the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under such subparagraph (H)(i) as a result of that auction, the Commission may borrow not more than that amount from the Treasury of the United States.

(B) **REIMBURSEMENT.**—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the Rural Broadband Assessment and Deployment Fund.

(4) **AVAILABILITY OF AMOUNTS.**—Any amounts borrowed under paragraph (3)(A)

and any amounts in the Rural Broadband Assessment and Deployment Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission for use in accordance with paragraph (5).

(5) **USE OF AMOUNTS.**—

(A) **ESTABLISHMENT OF PROGRAM OR PROGRAMS.**—The Commission shall use the amounts made available under paragraph (4) to establish 1 or more programs that are separate from, but are coordinated with and complement, the high-cost programs to address—

(i) gaps that remain in broadband internet access service coverage in high-cost rural areas despite the operations of the high-cost programs; and

(ii) shortfalls in sufficient funding of the high-cost programs that could adversely affect the sustainability of services or reasonable comparability of rates that are supported by those programs.

(B) **PURPOSES.**—In carrying out subparagraph (A), the Commission shall use amounts made available under paragraph (4) in an efficient and cost-effective manner only—

(i) for the assessment of, and to provide subsidies in a technology-neutral manner through a competitive process (subject to weighting preferences for performance quality and other service metrics as the Commission may find appropriate) to providers for support of, deployment of broadband-capable infrastructure in high-cost rural areas that the Commission determines are unserved by fixed terrestrial broadband internet access service at a download speed of not less than 25 megabits per second and an upload speed of not less than 3 megabits per second (or such higher speed as the Commission may determine appropriate based upon an evolving definition of universal service); and

(ii) to assess, and provide subsidies to providers to enable providers to sustain, broadband internet access service in any rural area in which—

(I) not more than 1 provider of fixed terrestrial broadband internet access service operates; and

(II) the high-cost nature of the area precludes the offering of voice service and broadband internet access service at rates and performance levels available in urban areas as determined by the Urban Rate Survey conducted by the Commission.

(C) **TRIBAL CONSIDERATIONS.**—In distributing amounts under this paragraph, the Commission shall consider the broadband internet access service needs of residents of Tribal lands (as defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation).

(D) **LIMITATIONS.**—

(i) **PROHIBITION ON FUNDING OTHER PROGRAMS.**—

(I) **IN GENERAL.**—The Commission may not use amounts made available under paragraph (4) to fund any program that was not established by the Commission under subparagraph (A) of this paragraph, including any program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in effect on the date of enactment of this Act, except for using the Universal Service Administrative Company to administer funding.

(II) **RULE OF CONSTRUCTION.**—Nothing in subclause (I) shall be construed to prohibit the Commission from using amounts made available under paragraph (4) to supplement the provision of support under the high-cost programs, as authorized under subparagraph (A)(ii) of this paragraph.

(ii) **TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING GAPS IN COVERAGE.**—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (A)(i) that, at a minimum—

(I) provide—

(aa) a process for challenging any initial determination by the Commission regarding whether an area is served or unserved; and

(bb) written public notice on the website of the Commission of—

(AA) how each challenge under item (aa) was decided; and

(BB) the reasons of the Commission for each decision;

(II) establish broadband service buildout milestones and require periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones;

(III) establish a maximum buildout timeframe of 4 years beginning on the date on which funding is provided to a funding recipient;

(IV) establish periodic reporting requirements for funding recipients that identify, at a minimum, the speed of, and technology used for, the service provided in each area where funding is provided;

(V) establish standard penalties for non-compliance with the requirements established under this clause and as may be further prescribed by the Commission;

(VI) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this clause and as may be further prescribed by the Commission; and

(VII) require a funding recipient to—

(aa) offer voice service and broadband internet access service; and

(bb) permit a consumer to subscribe to one type of service described in item (aa) or both types.

(iii) **TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING SHORTFALLS IN FUNDING.**—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (A)(ii) that, at a minimum—

(I) establish periodic reporting and certification requirements for funding recipients to ensure that the funding results in the offering of voice service and broadband internet access service at reasonably comparable rates and performance levels;

(II) establish standard penalties for non-compliance with the requirements established under this clause and as may be further prescribed by the Commission;

(III) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this clause and as may be further prescribed by the Commission; and

(IV) require a funding recipient to—

(aa) offer voice service and broadband internet access service; and

(bb) permit a consumer to subscribe to one type of service described in item (aa) or both types.

(6) **REPORTS.**—

(A) **ANNUAL AUCTION PROCEEDS DEPLOYMENT REPORT.**—Not later than 270 days after the date of enactment of this Act, and not less frequently than annually thereafter until all amounts have been distributed, the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the distribution of amounts made available under paragraph (4).

(B) **AUCTION-SPECIFIC DEPOSIT REPORTS.**—Not later than 30 days after the date on which the Commission announces the results of an auction described in subparagraph (H)(1) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b), the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that estimates the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under that subparagraph as a result of that auction.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Rural Broadband Assessment and Deployment Fund \$42,450,000,000.

SA 2217. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1287, strike line 22 and all that follows through page 1288, line 3, and insert the following:

“(A) \$13,434,000,000 for fiscal year 2022;
“(B) \$13,719,000,000 for fiscal year 2023;
“(C) \$14,079,000,000 for fiscal year 2024;
“(D) \$14,374,000,000 for fiscal year 2025; and
“(E) \$14,742,000,000 for fiscal year 2026.

On page 1289, strike lines 3 through 11 and insert the following:

“(D) \$450,000,000 for fiscal year 2022, \$463,500,000 for fiscal year 2023, \$477,405,000 for fiscal year 2024, \$491,727,150 for fiscal year 2025, and \$506,478,965 for fiscal year 2026 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

On page 1317, between lines 18 and 19, insert the following:

SEC. 30 . . . ACCESSIBLE TRANSPORTATION IMPROVEMENTS FOR INDIVIDUALS WITH DISABILITIES.

(a) **ONE-STOP PARATRANSIT PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a one-stop paratransit pilot program.

(2) **PURPOSE.**—The purpose of the pilot program under this subsection is to develop or expand paratransit programs carried out pursuant to the ADA to provide for 1 stop of at least 15 minutes outside of the vehicle during a paratransit trip to prevent long wait times between multiple trips that unduly limit an individual's ability to complete essential tasks.

(3) **ELIGIBLE ENTITIES.**—

(A) **IN GENERAL.**—An entity eligible to participate in the pilot program is a transit agency that agrees to track and share information as the Secretary requires, including—

(i) number of ADA paratransit trips conducted each year;

(ii) requested time of each paratransit trip;

(iii) scheduled time of each paratransit trip;

(iv) actual pickup time for each paratransit trip;

(v) average length of a stop in the middle of a ride as allowed by this section;

(vi) any complaints received by a paratransit rider;

(vii) rider satisfaction with paratransit services; and

(viii) after the completion of the pilot program, an assessment by the eligible entity of its capacity to continue a one-stop program independently.

(B) **PREFERENCE.**—The Secretary shall give preference to entities that—

(i) have comparable data for the year prior to implementation of the pilot program that can be used by the Secretary and other organizations, such as nonprofit organizations and advocacy organizations, for research purposes; and

(ii) plan to use agency personnel to implement the pilot program.

(4) **APPLICATION.**—To be eligible to participate in the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information on—

(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

(i) childcare or education facilities;

(ii) pharmacies;

(iii) grocery stores; and

(iv) bank or ATM locations;

(B) methodology for informing the public of the pilot program;

(C) vehicles, personnel, and other resources that will be used to implement the pilot program; and

(D) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.

(5) **SELECTION.**—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that includes at least 5 of each of the following:

(A) An eligible entity that serves an area with a population of 200,000 people or fewer.

(B) An eligible entity that serves an area with a population of over 200,000 people.

(C) An eligible entity that provides transportation for rural communities.

(6) **REPORT.**—Not later than 3 months after the conclusion of the first 15 pilot projects carried out under this subsection, the Secretary shall submit to Congress a report on the results of the program, including the feasibility of developing and implementing one-stop programs for all ADA paratransit services.

(7) **FUNDING.**—

(A) **FEDERAL SHARE.**—The Federal share of the total cost of a project carried out under this subsection may not exceed 80 percent.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection \$75,000,000 for each of fiscal years 2022 through 2026.

(b) **PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board, pursuant to section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)), shall publish final accessibility guidelines setting forth minimum standards for pedestrian facilities in the public right-of-way, including shared use paths.

(2) **ADOPTION OF REGULATIONS.**—Not later than 180 days after the establishment of the guidelines pursuant to paragraph (1), the Secretary shall issue such regulations as are necessary to adopt such guidelines.

(c) **REPORTING ACCESSIBILITY COMPLAINTS.**—

(1) **IN GENERAL.**—The Secretary shall ensure that an individual who believes that he